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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,120	12/26/2001	Shuichi Matsumoto	252-000007	3429

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,120

Applicant(s)

MATSUMOTO ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9-27-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11-14,16-19,21-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-14,16-19,21-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Status of Claims***

1. Claims 1-4, 6-9, 11-14, 16-19, 21-24, 26 and 27 have been examined.

***Response to Amendments/Arguments***

2. Applicant is of the opinion that Erickson and Ginter et al. do not teach "representation modes", where the modes are selected from the group comprising: MIDI data, WAVE data, music parts, music movements, music phrases, melody parts accompaniment parts, rhythm parts, music lyrics, scores, piano music, tablature music, displayed sheet music, and printed sheet music. However, as sheet music is "content" ('900, column 141, lines 5-14) and Erickson clearly teaches "open/view" (display) and "print" modes ('152, figures 1, 5A-B, 7A-D and column 22, lines 48-67; see also Ginter et al., '900, column 9, lines 20-32; column 166, lines 20-30) this feature is clearly taught by the prior art.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., U.S. Patent No. 5,892,900 in view of Erickson, U.S. Patent No. 5,765,152.

As per claims 1-27, Ginter et al. teach a contents providing service system comprising:

- contents file that includes encrypted (partial) content (e.g. music) and use restriction information (figure 19; column 135, lines 20-34; column 141, lines 5-25), use allow range and use prohibit range (column 137, lines 50-64; column 155, lines 38-51; column 157, lines 1-13; column 166, lines 25-32; column 294, lines 17-51) and provisional use prohibit range that provides for conditional use of content after fee payment (figure 72D; column 36, lines 22-38; column 140, lines 25-38; column 160, lines 15-35)
- server supply unit for supplying content to client (column 18, lines 55-63; column 134, lines 39-58; column 315, lines 25-42)
- client apparatus comprising decoding unit and a restricting unit for (figure 7; column 60, lines 7-44; column 62, lines 32-50)
- client apparatus for transmitting to the server apparatus for requesting use of content (figure 72D) and for implementing user restriction (figure 7; column 60, lines 7-44; column 62, lines 32-50)

- server apparatus includes a user approve unit for transmitting a user approval to the client apparatus in response to fee paid and allows client to use content based on restriction information (figure 72D)

Ginter et al. teach content distribution system where content usage is determined by rights or restriction (column 9, lines 20-24). However, Ginter et al. do not specifically recite "representation modes". Erickson teaches a content distribution system that allows users to obtain additional rights that allow users to process content using varying representation modes (figures 1, 5A-B, and 7A-D).

Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Ginter et al. and Erickson in order to allow content providers to receive additional revenues for use, such as modification, of their content.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

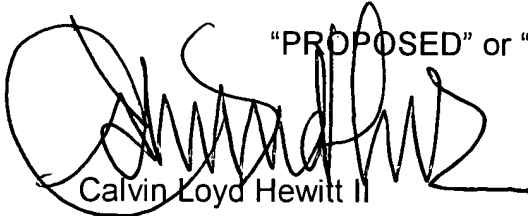
or faxed to:

(571) 273-8300 (for formal communications intended for entry and  
after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")



Calvin Loyd Hewitt II

December 12, 2005